

## Accident Analysis Office Manual

This is a request-oriented office with routine reports and studies being produced as well. Maintenance of the MicroCARs accident database with monthly updates and support for regional traffic offices in regard to accident data queries comprise part of the workload, with data requests coming from law firms, any and all state agencies, consulting firms, WSDOT regional offices, The Washington Traffic Safety Commission, the media, counties, cities, universities and private citizens.

The following request-types are professional needs for data for which an account is set up to charge staff time (ie. anyone who is making a profit by using our data; please read on to see exceptions to this). Work is done after establishing with the caller that:

- There will be a charge for our time
- That he or she has not requested this information from another state agency
- A fax is requested sent to us on their company's letterhead containing the nature of the request, their federal tax ID, billing address if different than their regular mailing address and date by which they need to have the data.
- With this information, P&PCM Accounting is asked to set up an account, or in the case of a previously established account for a business, a new group number for the present request.

The following are typical types of firms we would charge for our staff time:

**Law firms**: There is a charge for the data we supply to a law firm. When receiving an initial request for data from a law firm, ask if this data will be used as evidence in a case against the state. If it is or will possibly be, then contact the Office of the Attorney General (currently our contact is Frank Green) to ask if we should release data.

The cover letter should always include the following verbiage when data is released to law firms:

The use of the data which you have requested is governed by 23 United States Code Section 409. Under this law, data maintained for purposes of evaluating potential highway safety enhancements:

“ . . . shall not be subject to discovery or admitted into evidence in a federal or state court proceeding or considered for other purposes in any action for damages arising from any occurrence at a location mentioned or addressed in such reports, surveys, schedules, lists, or data.” [Emphasis added.]

The Washington State Department of Transportation (WSDOT) is releasing this data to you with the understanding that you will not use this data contrary to the restrictions in Section 409, i.e., that you will not use this data in discovery or as evidence at trial in any action for damages against the WSDOT or the State of Washington. If you should attempt to use this data in an action for damages against the WSDOT or the State, the WSDOT and the State expressly reserve their right, under Section 409, to object to the use of the data, including any opinions drawn from the data.

When the data is completed, the following people need to be notified:

ccwe: Mr. Frank Green, Office of the Attorney General

Bill Henselman, Risk Management Office

cc: Appropriate traffic engineer(s)

Bill Camerer, Records Services

Lysle Heap, P&PCM Accounting; JN \*\*\*\*, grp\*\* 2 hours

**Consulting firms:** There is a charge for data we supply engineering or consulting firms, **UNLESS it is established that they are working with WSDOT on a project.** In this case, ask for the name of their WSDOT contact person. Whenever possible, an internal charge code from this person should be obtained for staff time used. Send a copy of the cover letter only, by electronic mail, to the appropriate traffic engineer(s).

**Insurance Companies:** These requests are handled much like consulting or engineering firms, an account needs to be established or charged to if previously established, and a new group number needs to be obtained from accounting.

The following types of requests require no account and usually no charge:

**Office of the Attorney General:** There is no charge. When someone calls from the AG's office, ask the name of the case and incident date to include in the cover letter, and also whether or not this data is 'for production'. This verbiage is to be included in the cover letter.

**WSDOT Regional Offices and Olympia Service Center (OSC):** Normal requests for a single SR segment involving a TRIPS or MicroCARs report that can easily be sent to the customer's printer (TRIPS) or e-mailed (MicroCARs) is not charged. If, however, there are numerous staff hours used for an in-depth research project, ask for a charge code. Immediately contact our labor input person to access if this is a 'working code' within the pay/labor system and proceed with the request.

**City, county governments:** No charge

**State Agencies :** No Charge

**Private citizens or citizen action groups:** No charge

**Media:** No charge

**Legislature:** Use the TDO manager's signature block, ccwe:

Doug MacDonald

Bill Ford, Budget Office

Jan Leonard, P&CPM

Cc:

Don Griffith, Legislative liaison

Bcc: Rick Smith

**‘Greenies’:**

When a request is made by the Governor’s office for a response to a letter, it is received in the Secretary’s office and routed to us by the Ombudsman’s office in the form of a ‘greenie’. Once the response is prepared and mailed, send the original request along with the copies for the Secretary’s office and the copy for the Governor’s Office back to the office of the secretary. Do not send any copies to the Governor’s Office. Their copy will be sent to them from the Ombudsman’s Office, along with their original request for response. In addition to the hard copies, please provide the Ombudsman’s Office with an electronic version of the response for inclusion in the database.

Keep a copy of the original request and our response plus any data for our files.

At this time we do not reproduce WSP accident reports for distribution to anyone EXCEPT another WSDOT office, the Office of the Attorney General or the WSP.